

**JANICE ANN THOMPSON; and  
husband TERRY LEE THOMPSON,**

**Plaintiffs,**

**Vs.**

**COVENANT TRANSPORT, INC.; and  
JACKIE LEONARD GRANGER,**

**Defendants.**

**THIS MATTER** is before the court on defendant Covenant Transport, Inc.’s Motion to Compel (hereinafter “defendant”) and the court’s own motion requiring the plaintiffs to show cause for failure to comply with this court’s Order compelling their compliance. On December 6, 2007, a hearing was conducted at which plaintiffs appeared with counsel, Ron L. Moore. Mr. Moore made a general appearance on behalf of both plaintiffs. Defendant also attended through counsel. At the conclusion of such hearing, the court directed that Mrs. Thompson’s compliance with the Order compelling production would be stayed pending a determination by the state court of her competence, that her state guardian would be required to file a report with this court by January 1, 2008, that the expert report deadlines would be enlarged protectively to February 1, 2008, for plaintiffs and to March 1, 2008, for defendants, and that counsel for defendants would file not later than December 20, 2007, defendant’s motion for costs and fees. While the guardian has yet to file a report,

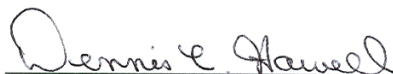
defendant has filed its motion, showing \$4,193.61 in costs and fees associated with the Motion to Compel.

Defendant filed the Motion for Attorneys Fees and Costs on December 10, 2007, and plaintiffs' response was due to be filed not later than December 27, 2007. No response has been filed. In accordance with Rule 37(a)(5), Fed.R.Civ.P., plaintiffs will be afforded an opportunity to be heard on such request at the conclusion of trial or other resolution of this matter other than settlement. In the event this action settles, it will be assumed conclusively that such fees and costs were included in such resolution.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion for Attorney's Fees and Costs (#15) is **STAYED** for resolution at the conclusion of trial or other final disposition of this matter other than by settlement.

Signed: January 3, 2008



Dennis L. Howell  
United States Magistrate Judge

